IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WA.No. 2231 of 2006()

AGAINST THE JUDGEMENT IN OP.2612/2000 Dated 14/07/2006
.....

APPELLANTS: PETITIONERS
---

1. M/S.AYURVEDIC MEDICINE MANUFACTURERS ORGANIZATION OF INDIA, REGD.NO.158/1984, ROOM NO.33, ARAFA TOWERS, VELIYANNUR ROAD, THRISSUR-21, REPRESENTED BY ITS GENERAL SECRETARY, DR.RAMANATHAN, XI/544, VELIYANNUR ROAD, THRISSUR-1.

2. DR.K.P.SHANMUGHA DAS, AYURVEDA MEDICALS, AGATHIYUR, KUNNAMKULAM, THRISSUR-680 503.

3. P.I.JACOB, S/O.PIDIYATH ITTIOACHEN, NENMANIKKARA DESOM, NENMANIKKARA, PUTHUKKAD P.O., THRISSUR DISTRICT.

BY ADV. SRI.K.K.JAYASOORIAN
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.P.A.MOHAMMED ASHROF
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN

RESPONDENTS/RESPONDENTS
---

1. STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE, OFFICE OF THE BOARD OF REVENUE, THIRUVANANTHAPURAM.

3. THE DRUGS CONTROLLER OF THE LICENSING AUTHORITY FOR KERALA, OFFICE OF DRUGS CONTROLLER, RED CROSS ROAD, THIRUVANANTHAPURAM.

4. THE EXCISE INSPECTOR, IRINJALAKKUDA.

BY GOVERNMENT PLEADER MR.T.B.HOOD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.A.No.2231 of 2006

Dated, this the 5th day of December, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

The appellants who are the petitioners in the original lis challenged the vires of Rule 11(1)(b)(ii) of the Kerala Spirituous Preparations (Control) Rules. The learned Single Judge before whom the matter came up for hearing observed that the matter was covered against the petitioners by the judgment of this Court in W.P.(C) No.12103 of 2005 decided on 16.1.2006. On that premise only the writ petition filed by the petitioners was dismissed. It is against this order passed by the learned Single Judge that the present writ appeal has been filed. In the context of the facts as mentioned above all that can possibly be urged by the counsel for the appellants is that the judgment passed by the learned Single Judge in W.P.(C) No.12103 of 2005-N decided on 16.1.2006 is not correct. He has not been able to raise any argument that may detract from the law laid by the learned Single Judge of this Court in W.P.(C) No.12103 of 2005. With the

assistance of learned counsel we have gone through the well reasoned judgment Annexure A and we find no infirmity therein. No merits. Dismissed.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns